

2003 DRAFTING REQUEST**Bill**Received: **05/19/2003**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Terri McCormick (608) 266-7500**

By/Representing:

This file may be shown to any legislator: **NO**Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - traffic laws**

Extra Copies:

Submit via email: **YES**Requester's email: **Rep.McCormick@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Owner liability for hit and run

Instructions:

redraft of 93 AB 698

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 06/09/2003	kgilfoy 06/20/2003					
/1			pgreensl 06/20/2003		mbarman 06/20/2003	sbasford 03/01/2004 sbasford 03/01/2004	

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Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

FE Sent For:

*None
needed*

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Jennifer

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LRB-2738

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/?	phurley	1-6/13 Kmgf	6/20 PS	6/20 PS/eph			

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ASSEMBLY AMENDMENT 4,
TO 1993 ASSEMBLY BILL 698

October 26, 1993 - Offered by Representatives R. YOUNG, RUTKOWSKI and
L. YOUNG.

1 At the locations indicated, amend the bill as follows:

2 1. Page 4, line 6: delete "less than \$300 nor".

3 (End)

MEMORANDUM
OFFICE OF REPRESENTATIVE MCCORMICK

TO: PEGGY HURLEY
FROM: JENNIFER KOMASSA, RESEARCH ASSISTANT
SUBJECT: OWNER LIABILITY FOR HIT AND RUN ACCIDENTS
DATE: 05/19/2003

Hello,

Per our phone conversation today, I am attaching a memo prepared for our office in regards to owner liability for hit and run accidents. Primarily, our constituent (a police officer from the Appleton area) wants police to be able to track hit and runs without as many roadblocks as currently exists. Representative McCormick would like the language for exceptions to this law to mimic 346.485-Owner's liability for vehicle illegally passing school bus. I have highlighted this in the attached materials. I have also enclosed language from 1993 Assembly Bill 698, as it is most likely similar to what we will end up drafting.

Thank you for your help in this. I look forward to working with you.

Jennifer Komassa
Research Assistant
Office of Representative McCormick



WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE TERRI MC CORMICK

FROM: Philip G. Cardis, Staff Attorney

RE: Owner Liability

DATE: August 27, 2002

In response to a request from your office, the following memorandum provides examples of vehicle owner liability. These examples of vehicle owner liability should provide a basis to work from in examining vehicle owner liability in additional contexts.

Current Examples of Vehicle Owner Liability

An example of vehicle owner liability under current law is found in s. 346.945, Stats. This statute provides for vehicle owner liability for radios or other electric sound amplification devices. This statute is attached for your reference.

Another example of owner liability under current law is found in s. 346.485, Stats. This statute provides for owner liability for vehicles illegally passing a school bus. This statute is attached for your reference.

Past Example of Vehicle Owner Liability--1993 Assembly Bill 698

Another example of vehicle owner liability is found in 1993 Assembly Bill 698. The bill passed the Assembly, but failed to concur in the Senate. Under the bill, liability is imposed upon the owner of a vehicle for leaving the scene of certain motor vehicle accidents. Also, under the bill, it is noteworthy to point out the defenses to owner liability. Under the bill, the owner of the vehicle has a defense to liability if the vehicle has been stolen at the time of the violation. Also, under the bill, the owner of the vehicle has a defense to liability if the owner provides the officer with the name and address of the person who was operating the vehicle or who had the vehicle under his or her control at the time of the violation and that person admits to operating the vehicle or having the vehicle under his or her control.

1993 Assembly Bill 698 is attached with the adopted amendments for your reference. Also, I have attached the bill history of 1993 Assembly Bill 698.

I hope the information provided is helpful. If you have any questions about this matter, please feel free to contact me at 267-0683, at the Legislative Council staff offices.

PGC:jal;ksm
Attachments

except while crossing a roadway at a crosswalk, go upon any roadway under the jurisdiction of the department.

History: 1973 c. 182, 314; 1975 c. 320; 1977 c. 68; 1983 a. 56, 175, 243, 538; 1989 a. 335; 1991 a. 83, 87; 1993 a. 260; 1995 a. 131, 138, 216, 373; 1997 a. 27.

346.945 Vehicle owner's liability for radios or other electric sound amplification devices. (1) (a) Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.94 (16) shall be presumed liable for the violation as provided in this section.

(b) Notwithstanding par. (a), no owner of a vehicle involved in a violation of s. 346.94 (16) may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation under this section or under s. 346.94 (16).

(2) Any member of the public who observes a violation of s. 346.94 (16) may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the motor vehicle involved in the violation.

(c) Identification of the motor vehicle as an automobile, motor truck, motor bus, motorcycle or other type of vehicle.

(3) (a) 1. Within 24 hours after observing the violation, a member of the public may deliver a report containing all of the information in sub. (2) to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all of the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

2. Within 48 hours after receiving a report containing all of the information in sub. (2), the traffic officer shall investigate the violation and may prepare a uniform traffic citation under s. 345.11 and, within 72 hours after receiving such report, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family who is at least 14 years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the authority issuing the citation and shall be performed within 72 hours after a report containing all of the information in sub. (2) was delivered to a traffic officer under par. (a) 1.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address. Service under this paragraph shall be performed by posting the certified mail within 72 hours after a report containing all of the information in sub. (2) was delivered to a traffic officer under par. (a) 1. Except for owners who live outside of the jurisdiction of the issuing authority, service under this paragraph may not be performed unless service under pars. (a) and (b) has been attempted.

(4) Defenses to the imposition of liability under this section include:

(a) That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

(b) If the owner of the vehicle provides a traffic officer employed by the authority issuing the citation with the name and address of the person operating the vehicle or having the vehicle

under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation, then the owner of the vehicle shall not be liable under this section or under s. 346.94 (16).

(c) If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the authority issuing the citation with the information required under s. 343.46 (3), then the lessee and not the lessor shall be liable under this section or under s. 346.94 (16).

(d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the authority issuing the citation with the name, address and operator's license number of the person operating the vehicle or having the vehicle under his or her control on a trial run, then that person, and not the dealer, shall be liable under this section or under the applicable provision of s. 346.94 (16).

(5) Notwithstanding s. 346.94 (16) (b) 6., this section does not apply to the operation of a motorcycle.

History: 1995 a. 373; 1997 a. 27; 1999 a. 80.

346.95 Penalty for violating sections 346.87 to 346.94.

(1) Any person violating s. 346.87, 346.88, 346.89 (2), 346.90 to 346.92 or 346.94 (1), (9), (10), (11), (12) or (15) may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(2) Any person violating s. 346.89 (1) or 346.94 (2), (4) or (7) may be required to forfeit not less than \$20 nor more than \$400.

(2m) Any person violating s. 346.935 may be required to forfeit not more than \$100.

(3) Any person violating s. 346.94 (5) or (14) shall be required to forfeit \$50 for each offense.

(4) Any person violating s. 346.925 or 346.94 (8) or (8m) may be required to forfeit not to exceed \$20 for the first offense or not to exceed \$50 for each subsequent offense.

(5) Any person violating s. 346.94 (13) may be required to forfeit not more than \$200.

(5e) Any person violating s. 346.94 (16) may be required to forfeit not less than \$40 nor more than \$80 for the first offense and not less than \$100 nor more than \$200 for the 2nd or subsequent conviction within a year.

(5g) A vehicle owner or other person found liable under s. 346.945 may be required to forfeit not less than \$40 nor more than \$80 for the first offense and not less than \$100 nor more than \$200 for the 2nd or subsequent conviction within a year. Imposition of liability under s. 346.945 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

(6) Any person violating s. 346.94 (17) may be required to forfeit not less than \$10 nor more than \$20 for the first offense and not less than \$25 nor more than \$50 for the 2nd or subsequent conviction within a year.

(7) Any person violating s. 346.922 may be required to forfeit not less than \$10 nor more than \$25 for the first offense and not less than \$25 nor more than \$200 for a 2nd or subsequent conviction within 3 years.

History: 1971 c. 278; 1973 c. 182, 314, 336; 1975 c. 297, 320; 1977 c. 68; 1983 a. 56, 175, 538; 1989 a. 335 s. 89; 1991 a. 83; 1993 a. 260, 455; 1995 a. 194, 373, 420; 1999 a. 109.

alcohol beverages that has been opened, on which the seal has been broken or the contents of which have been partially removed or released if the vehicle is operated by a chauffeur holding a valid license and endorsements authorizing operation of the vehicle as provided in ch. 343 and is in compliance with any local ordinance or regulation adopted under s. 349.24.

(5) In addition to any other penalty prescribed by law, any violation of this section by an operator of a commercial motor vehicle shall be punished under s. 346.65 (2u).

History: 1975 c. 297 s. 16; Stats. 1975 s. 346.935; 1981 c. 20; 1981 c. 79 s. 17; 1983 a. 535; 1985 a. 332 s. 253; 1989 a. 105; 1997 a. 336.

346.94 Miscellaneous prohibited acts. (1) DRIVING ON SIDEWALK. The operator of a vehicle shall not drive upon any sidewalk area except at a permanent or temporarily established driveway unless permitted to do so by the local authorities.

(2) **RACING.** No operator of a motor vehicle shall participate in any race or speed or endurance contest upon any highway.

(4) **MISSILES, CIRCULARS OR PAMPHLETS.** No person shall throw any missile, circular or pamphlet at the occupants of any vehicle or throw or place any missile, circular or pamphlet in or on any vehicle, whether or not the vehicle is occupied. This subsection does not apply to any person who places on a vehicle educational material relating to the parking privileges of physically disabled persons if the person has a good faith belief that the vehicle is violating state or local law on parking for motor vehicles used by the physically disabled and the educational material has been approved by the council on physical disabilities as provided under s. 46.29 (1) (em).

(5) **PLACING INJURIOUS SUBSTANCE ON HIGHWAY.** No person shall place or cause to be placed upon a highway any foreign substance which is or may be injurious to any vehicle or part thereof.

(7) **SPILLING LOADS OF WASTE OR FOREIGN MATTER.** The operator of every vehicle transporting waste or foreign matter on the highways of this state shall provide adequate facilities to prevent such waste or foreign matter from spilling on or along the highways.

(8) **TRANSPORTING PERSONS IN MOBILE HOMES OR BOATS.** Except as provided in sub. (8m), no person may operate a motor vehicle towing any mobile home or boat on a trailer upon a highway when any person is in such mobile home or boat.

(8m) **TRANSPORTING PERSONS IN FIFTH-WHEEL MOBILE HOMES.** (a) No person may operate a motor vehicle towing a fifth-wheel mobile home upon a highway when any person under the age of 12 years is in the fifth-wheel mobile home unless one person 16 years of age or older is also in the fifth-wheel mobile home.

(b) No person may operate a motor vehicle towing a fifth-wheel mobile home upon a highway with any person in such mobile home unless the fifth-wheel mobile home is equipped with a two-way communications system in proper working order and capable of providing voice communications between the operator of the towing vehicle and any occupant of the fifth-wheel mobile home.

(9) **ALIGHTING FROM OR BOARDING MOVING VEHICLE.** No person shall alight from or board any vehicle when such vehicle is in motion.

(10) **CLINGING TO MOVING VEHICLE.** No person riding upon a motor bicycle, moped or motorcycle may attach the same or him-

self except to enter a driveway, to merge into a bicycle lane before turning at an intersection, or to enter or leave a parking space located adjacent to the bicycle lane or bicycle way. Persons operating a motor vehicle upon a bicycle lane or bicycle way shall yield the right-of-way to all bicycles within the bicycle lane or bicycle way.

(13) **ABANDONED MOTOR VEHICLES.** No person may cause a motor vehicle to be abandoned, within the meaning of s. 342.40 (1m) or (4) (b) 1., on or along any highway or on any public or private property.

(14) **USE OF FLASHING BLUE LIGHTS ALONG HIGHWAYS.** Except as provided in ss. 346.03 (3) and 347.25 (1m) and (1s), no person may maintain or operate any device equipped with a flashing, oscillating or rotating blue light within 100 feet of a highway if the light is visible from the highway and if the department or the local authority responsible for maintaining the highway determines that motorists would believe the light was the warning light of a police vehicle. This subsection does not apply to airport lights.

(15) **TOWING BY BUSES OR HUMAN SERVICE VEHICLES.** No person may operate a school bus or a human service vehicle over any public highway of this state with any trailer or semitrailer attached.

(16) **RADIOS OR OTHER ELECTRIC SOUND AMPLIFICATION DEVICES.** (a) Except as provided in s. 347.38 (1), no person may operate or park, stop or leave standing a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is audible under normal conditions from a distance of 75 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

(b) This subsection does not apply to any of the following:

1. The operator of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm.

2. The operator of a vehicle of a public utility, as defined in s. 11.40 (1) (a).

3. The operator of a vehicle that is being used for advertising purposes.

4. The operator of a vehicle that is being used in a community event or celebration, procession or assemblage.

5. The activation of a theft alarm signal device.

6. The operator of a motorcycle being operated outside of a business or residence district.

7. A local authority that has enacted an ordinance in conformity with s. 349.135.

(17) **IN-LINE SKATES ON ROADWAY.** (a) A person riding upon in-line skates may go upon any roadway under the jurisdiction of a local authority, subject to any restrictions specified by municipal ordinance enacted under s. 349.235.

(b) Any person riding upon in-line skates upon any roadway shall ride in a careful and prudent manner and with due regard under the circumstances for the safety of all persons using the roadway.

(c) Notwithstanding any other provision of this subsection or s. 349.235, no person riding upon in-line skates may attach the in-line skates or himself or herself to any vehicle upon a roadway or,

under s. 343.46 (3), then the lessee and not the lessor shall be charged under this section.

3. If the vehicle is owned by a dealer as defined in s. 340.01 (11) (intro.) but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by any person on a trial run, and if the dealer provides a traffic officer with the name, address and operator's license number of the person operating the vehicle, then the person operating the vehicle, and not the dealer, shall be charged under this section.

History: 1985 a. 186; 1997 a. 27; 1999 a. 80.

346.47 When vehicles using alley or nonhighway access to stop. (1) The operator of a vehicle emerging from an alley or about to cross or enter a highway from any point of access other than another highway shall stop such vehicle immediately prior to moving on to the sidewalk or on to the sidewalk area extending across the path of such vehicle and shall yield the right-of-way to any pedestrian or bicyclist and upon crossing or entering the roadway shall yield the right-of-way to all vehicles approaching on such roadway.

(2) The operator of a vehicle on an alley shall stop such vehicle immediately before crossing or entering an intersecting alley, whether or not such intersecting alley crosses the alley on which the vehicle is being operated.

(3) The operator of a vehicle about to cross or enter a highway from a point of access other than another highway is not required to stop in compliance with sub. (1) if a traffic control officer or official traffic control device directs or permits otherwise.

History: 1975 c. 229; 1985 a. 69.

346.475 Human service vehicles; loading or unloading children with disabilities. No person who operates a human service vehicle may stop to load or unload passengers who are children with disabilities unless the vehicle is entirely off the traveled portion of the roadway in an area where stopping, standing or parking is not prohibited and the children do not have to cross the roadway in order to be loaded or unloaded.

History: 1983 a. 175 s. 28; Stats. 1983 s. 346.475; 1997 a. 164.

346.48 Vehicles to stop for school buses displaying flashing lights. (1) The operator of a vehicle which approaches from the front or rear any school bus which has stopped on a street or highway when the bus is equipped according to s. 347.25 (2) and when it is displaying flashing red warning lights, shall stop the vehicle not less than 20 feet from the bus and shall remain stopped until the bus resumes motion or the operator extinguishes the flashing red warning lights. The operator of any school bus which approaches from the front or rear any school bus which has stopped and is displaying flashing red warning lights shall display its flashing red lights while stopped. This subsection does not apply to operators of vehicles proceeding in the opposite direction on a divided highway.

(2) (a) Except as provided in par. (b) the operator of a school bus equipped with flashing red warning lights as specified in s. 347.25 (2) shall actuate such lights at least 100 feet before stopping to load or unload pupils or other authorized passengers, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the highway are safely across. Where the curb and sidewalk are laid on one side of the road only, the operator shall use the flashing red warning lights when loading or unloading passengers from either side.

(b) School bus operators shall not use the flashing red warning lights in:

1. Special school bus loading areas where the bus is entirely off the traveled portion of the highway.

2. Residence or business districts when pupils or other authorized passengers are to be loaded or unloaded where a sidewalk and curb are laid on both sides of the road, unless required otherwise by municipal ordinance enacted under s. 349.21 (1).

(bm) Except as provided in par. (b) 2. or unless prohibited by municipal ordinance enacted under s. 349.21 (2), a school bus operator shall use the flashing red warning lights as provided in par. (a) in a zone designated by "school" warning signs as provided in s. 118.08 (1) in which a street or highway borders the grounds of a school when pupils or other authorized passengers are loaded or unloaded directly from or onto the school grounds or that portion of the right-of-way between the roadway and the school grounds.

(c) When a school bus is being used on a highway for purposes other than those specified in s. 340.01 (56) (a) and (am), the flashing red warning lights shall not be used, and all markings on the front and rear of the bus indicating it is a school bus shall be removed or completely concealed; except that any time a motor vehicle is equipped as provided under ss. 347.25 (2) and 347.44 and is transporting children for any purpose, the school bus markings may remain unconcealed and the flashing red signals may be used as provided in this section and when so used, sub. (1) applies to operators of other motor vehicles.

(3) If the operator of a motor vehicle overtakes a school bus which is stopped and is loading or unloading pupils or other authorized passengers at an intersection on the right side of a roadway in a business or residence district in which the display of the flashing red warning lights on the school bus is not permitted, the operator shall pass at a safe distance to the left of the school bus and shall not turn to the right in front of the school bus at that intersection.

History: 1973 c. 93; 1975 c. 18, 120, 429; 1985 a. 287, 301; 1987 a. 125.

Cross-reference: See s. 349.21 which authorizes towns, cities, villages and counties to provide for the use of flashing red lights by school buses in certain residence or business districts.

346.485 Owner's liability for vehicle illegally passing school bus. (1) Subject to s. 346.01 (2), the owner of a vehicle involved in a violation of s. 346.48 (1) shall be liable for the violation as provided in this section.

(2) The operator of a school bus who observes a violation of s. 346.48 (1) may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the vehicle involved in the violation.

(c) Identification of the vehicle as an automobile, motor truck, motor bus, motorcycle or other type of vehicle.

(3) Within 24 hours after observing the violation, the school bus operator may deliver the report to a traffic officer of the county or municipality in which the violation occurred. A report which does not contain all the information in sub. (2) shall nevertheless be delivered and shall be maintained by the county or municipality for statistical purposes.

(4) (a) Within 48 hours after receiving a report containing all the information in sub. (2), the traffic officer may prepare a uniform traffic citation under s. 345.11 and may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof.

(c) If with reasonable diligence the owner cannot be served under par. (a) or (b) or if the owner lives outside of the jurisdiction of the issuing authority, service may be made by certified mail addressed to the owner's last-known address.

(5) (a) Except as provided in par. (b), it shall be no defense to a violation of this section that the owner was not operating the vehicle at the time of the violation.

(b) The following are defenses to a violation of this section:

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

1m. If the owner of the vehicle provides a traffic officer with the name and address of the person operating the vehicle at the time of the violation and the person so named admits operating the vehicle at the time of the violation, then the person operating the vehicle and not the owner shall be charged under this section.

2. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer with the information required under s. 346.46 (3), then the lessee and not the lessor shall be charged under this section.

3. If the vehicle is owned by a dealer as defined in s. 340.01 (1) and (2) but including the persons specified in s. 340.01 (1) (a) to (d), and at the time of the violation the vehicle was being operated by any person or a train, and the dealer provides a traffic officer with the name, address and operator's license number of the person operating the vehicle, then the person operating the vehicle and not the dealer shall be charged under this section.

History: 1981 c. 168; 1983 a. 243, 252; 1997 a. 27; 1999 a. 80.

346.49 Penalty for violating ss. 346.44 to 346.485. (1)

(a) Unless otherwise provided in par. (b) or (c), any person violating s. 346.46 (1), (2m) or (4) or 346.47 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year.

(b) Any operator of a bicycle violating s. 346.46 (1), (2m) or (4) may be required to forfeit not more than \$20.

(c) If an operator of a vehicle violates s. 346.46 (1) where persons engaged in work in a highway maintenance or construction area or in a utility work area are at risk from traffic, any applicable minimum and maximum forfeiture specified in par. (a) for the violation shall be doubled.

(1g) (a) Unless otherwise provided in par. (b), any person violating s. 346.46 (3) shall forfeit not less than \$40 nor more than \$80 for the first offense and not less than \$100 nor more than \$200 for the 2nd or subsequent conviction within a year.

(b) Any operator of a bicycle violating s. 346.46 (3) shall forfeit not more than \$40.

(1m) A vehicle owner or other person found liable under s. 346.465 may be required to forfeit not less than \$20 nor more than \$40 for the first offense and not less than \$50 nor more than \$100 for the 2nd or subsequent conviction within a year. Imposition of liability under s. 346.465 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

(2) Any person violating s. 346.455 or 346.48 may be required to forfeit not less than \$30 nor more than \$300.

(2m) (a) Unless otherwise provided in par. (b), any person violating s. 346.44 may be required to forfeit not more than \$1,000.

(am) Any person violating s. 346.45 shall forfeit not less than \$60 nor more than \$600.

(b) Any operator of a bicycle violating s. 346.44 may be required to forfeit not more than \$40.

(3) A vehicle owner or other person found liable under s. 346.485 or 346.457 may be required to forfeit not less than \$30 nor more than \$300. Imposition of liability under s. 346.485 or 346.457 shall not result in suspension or revocation of a person's operating license under s. 343.30, nor shall it result in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

(4) Any person violating s. 346.475 may be required to forfeit not less than \$50 nor more than \$200.

History: 1971 c. 278; 1973 c. 182; 1981 c. 168; 1983 a. 27, 175; 1985 a. 186; 1993 a. 198; 1995 a. 424; 1997 a. 135, 237, 277.

346.495 Railroad crossing improvement assessment.

(1) If a court imposes a forfeiture under s. 346.49 (1g) or (2m) (a), (am) or (b) for a violation of s. 346.44, 346.45 or 346.46 (3), the court shall also impose a railroad crossing improvement assessment equal to 50% of the amount of the forfeiture.

(2) If a forfeiture is suspended in whole or in part, the railroad crossing improvement assessment shall be reduced in proportion to the suspension.

(3) If any deposit is made for an offense to which this section applies, the person making the deposit shall also deposit a sufficient amount to include the railroad crossing improvement assessment under this section. If the deposit is forfeited, the amount of the railroad crossing improvement assessment shall be transmitted to the state treasurer under sub. (4). If the deposit is returned, the amount of the railroad crossing improvement assessment shall also be returned.

(4) The clerk of the circuit court shall collect and transmit to the county treasurer the railroad crossing improvement assessment as required under s. 59.40 (2) (m). The county treasurer shall then pay the state treasurer as provided in s. 59.25 (3) (f) 2. The state treasurer shall deposit all amounts received under this subsection in the transportation fund to be appropriated under s. 20.395 (2) (g).

History: 1997 a. 135, 237.

RESTRICTIONS ON STOPPING AND PARKING

346.50 Exceptions to stopping and parking restrictions.

(1) The prohibitions against stopping or leaving a vehicle stand contained in ss. 346.51 to 346.54 and 346.55 do not apply when:

(a) The vehicle becomes disabled while on the highway in such a manner or to such an extent that it is impossible to avoid stopping or temporarily leaving the vehicle in the prohibited place; or

(b) The stopping of the vehicle is necessary to avoid conflict with other traffic or to comply with traffic regulations or the directions of a traffic officer or traffic control sign or signal.

(c) The vehicle of a public utility, as defined in s. 196.01 (5), a telecommunications carrier, as defined in s. 196.01 (8m), or a rural electric cooperative is stopped or left standing and is required for maintenance, installation, repair, construction or inspection of its facilities by the public utility or a rural electric cooperative when warning signs, flags, traffic cones, or flashing yellow lights or barricades, have been placed to warn approaching motorists of any obstruction to the traveled portion of the highway.

(2) Except as provided in sub. (3m), a motor vehicle bearing a special registration plate issued under s. 341.14 (1) or (1r) (a) to a disabled veteran or on his or her behalf is exempt from any ordinance imposing time limitations on parking in any street or highway zone and parking lot, whether municipally owned or leased, or both municipally owned and leased or a parking place owned or leased, or both owned and leased by a municipal parking utility, with one-half hour or more limitation but otherwise is subject to the laws relating to parking. Where the time limitation on a metered stall is one-half hour or more, no meter payment is required. Parking privileges granted by this subsection are limited to the disabled veteran to whom or on whose behalf the special plates were issued and to qualified operators acting under the disabled veteran's express direction with the disabled veteran present.

(2a) Except as provided in sub. (3m), a motor vehicle bearing special registration plates issued under s. 341.14 (1a), (1e), (1m), (1q) or (1r) (a) or a motor vehicle, other than a motorcycle, upon which a special identification card issued under s. 343.51 is displayed or a motor vehicle registered in another jurisdiction upon which is displayed a registration plate, a card or an emblem issued by the other jurisdiction designating the vehicle as a vehicle used by a physically disabled person is exempt from any ordinance imposing time limitations on parking in any street or highway

- 10-29. A. Fiscal estimate received.
 11-12. A. Fiscal estimate received.
 12-14. A. Public hearing held.
 1994
 3-31. A. Failed to pass pursuant to Senate Joint Resolution 1 947

Assembly Bill 698

AN ACT to create 346.675 of the statutes, relating to imposing liability upon the owner of a vehicle leaving the scene of certain motor vehicle accidents and providing a penalty. (FE)

- 1993
 9- 1. A. Introduced by Representatives L. Young, Riley, Lorge, Robson, Vergeront, Otte, Ryba and Walker, cosponsored by Senator Burke.
 9- 1. A. Read first time and referred to committee on Judiciary 308
 9-14. A. Public hearing held.
 9-27. A. Fiscal estimate received.
 10-12. A. Executive session held.
 10-12. A. Assembly amendment 1 offered by committee on Judiciary 400
 10-18. A. Report assembly amendment 1 adoption, Ayes 9, Noes 0, passage recommended by committee on Judiciary, Ayes 7, Noes 2 403
 10-18. A. Referred to committee on Rules 403
 10-21. A. Placed on calendar 10-26 by committee on Rules.
 10-26. A. Read a second time 447
 10-26. A. Assembly amendment 1 adopted 447
 10-26. A. Referred to committee on Criminal Justice and Public Safety, Ayes 50, Noes 48 447
 10-26. A. Rules suspended to withdraw from committee on Criminal Justice and Public Safety and refer to foot of calendar of 10-27 447
 10-27. A. Assembly amendment 2 offered by Representatives Porter and L. Young 467
 10-27. A. Assembly amendment 2 adopted 467
 10-27. A. Assembly amendment 3 offered by Representatives Wood, L. Young and Rutkowski 467
 10-27. A. Assembly amendment 3 laid on table 467
 10-27. A. Assembly amendment 4 offered by Representatives R. Young, Rutkowski and L. Young 467
 10-27. A. Assembly amendment 4 adopted 467
 10-27. A. Assembly amendment 5 offered by Representatives R. Young and Rutkowski 467
 10-27. A. Assembly amendment 5 adopted 467
 10-27. A. Ordered to a third reading 467
 10-27. A. Rules suspended 467
 10-27. A. Read a third time and passed 467
 10-27. A. Ordered immediately messaged 467
 10-27. S. Received from Assembly 543
 10-27. S. Read first time and referred to committee on Judiciary and Insurance 544
 11-10. S. Printed engrossed by direction of the Senate Chief Clerk.
 11-24. S. Chief Clerk's correction 583
 1994
 3-30. S. Failed to concur in pursuant to Senate Joint Resolution 1 957

Assembly Bill 699

AN ACT to repeal 939.46 (2); and to renumber 939.46 (1) of the statutes, relating to a defense to criminal liability based on coercion.

- 1993
 9- 1. A. Introduced by Representatives Plache, Baldwin, Notestein, Baldus, Musser, Riley, Huber, La Fave, Schneiders and Ourada, cosponsored by Senators Huelsman, Burke, Rosenzweig, Breske and Adelman.
 9- 1. A. Read first time and referred to committee on Judiciary 308
 9-14. A. Public hearing held.
 10-12. A. Executive session held.
 10-18. A. Report passage recommended by committee on Judiciary, Ayes 9, Noes 0 403
 10-18. A. Referred to committee on Rules 403

- 10-21. A. Placed on calendar 10-26 by committee on
 10-26. A. Read a second time
 10-26. A. Ordered to a third reading
 10-26. A. Rules suspended
 10-26. A. Read a third time and passed
 10-26. A. Ordered immediately messaged
 10-27. S. Received from Assembly
 10-27. S. Read first time and referred to committee on Judiciary and Insurance

1994

- 2- 9. S. Public hearing held.
 2-10. S. Report concurrence recommended, Ayes 0
 3-30. S. Failed to concur in pursuant to Senate Joint Resolution 1

Assembly Bill 700

AN ACT to repeal 103.10 (1) (am), 103.10 (3) (a) 2, 103.10 (3) (b) (intro.), 103.10 (3) (c), 103.10 (3) (d), 103.10 (4) (b), 103.10 (4) (c), 103.10 (13) (b) 2, 103.10 (14) 882 (3) (i) and 146.882 (4) (c); to renumber 103.10 (1) (a) 1, 103.10 (3) (b) 1, 103.10 (4) (a), 103.10 (7) (c) and 103.10 (14) (a); to renumber and amend 103.10 (13) (b) (intro.) and 1; to (1) (a) (intro.), 103.10 (1) (a) 2, 103.10 (1) (b), 103.10 (1) (d), 103.10 (1) (e), 103.10 (1) (f), 103.10 (1) (g) (intro.), 103.10 (2) (c), 103.10 (3) (title), 103.10 (5) (a) and (6) (a), 103.10 (6) (b) (intro.), 103.10 (6) (b) 2, 103.10 (7) (b) 3, 103.10 (7) (b) 4, 103.10 (8) (a), 103.10 (8) (b), 103.10 (12) (b), 103.10 (12) (d), 103.10 (13) (a), 111.322 (2m) (b), 146.882 (4) (a) and 632.897 (6); to recreate 103.10 (8) (c), 103.10 (9) (c), 103.10 (9) (d), 103.10 (11) (c) and 103.10 (12) (c); and to create 103.10 (2) (am), 103.10 (3m), 103.10 (4g), 103.10 (5) (b) 3m, 103.10 (7) (b) 5, 103.10 (7) (b) 6, 103.10 (7) (b) (c) 2, 103.10 (7) (d), 103.10 (7) (e), 103.10 (8) (d), 103.10 (13) (c) and 103.10 (15) of the statutes, relating to changes to the family and medical leave law and making authority. (FE)

1993

- 9- 1. A. Introduced by Representatives L. Kreibich and Goetsch.
 9- 1. A. Read first time and referred to committee on Children and Human Services
 9-24. A. Fiscal estimate received.
 9-28. A. Fiscal estimate received.
 10-19. A. Assembly amendment 1 offered by Representative Lorge

1994

- 3-31. A. Failed to pass pursuant to Senate Joint Resolution 1

Assembly Bill 701

AN ACT to repeal 101.08, 101.19 (1) (k), 101.655, 145.25; to renumber 236.292; to renumber and amend (2) (c) and 700.41 (4); to amend 1.12 (title), 13.101 (a), 16.75 (1m), 16.847 (8) (a) and (b) 1 to 3 and (9) (b), 66.031 (intro.), 66.032 (title) and (1) (f) (intro.) and (3) (a) and (b) 1, (5) (b), (6) (a) and (b), (9) (title) and (12) (a), 66.033, 101.02 (15) (j), 101.63 (1), 101.73 (1), 700.41 (title) and (1) and 700.41 (3); and to create 1.12 (5), 13.48 (2) (k), 14.165, 16.75 (10), 16.847 (9) (c) and to (15), 26.36, 60.61 (1) (i), 66.032 (1) (m), 93.46 (1), 100.46, 196.025, 236.292 (2), 700.41 (2) (c) 1, 700.41 (4) (b) and 844.22 of the statutes, relating to policy, energy use by state and local government, regulation of energy consuming products, grants, awards, local land use restrictions regarding wind energy systems, granting rule-making authority and providing authority. (FE)

1993

- 9- 1. A. Introduced by Legislative Council.
 9- 1. A. Read first time and referred to committee on Natural Resources
 10- 5. A. Withdrawn from committee on Natural Resources and referred to committee on Environmental Resources

ASSEMBLY AMENDMENT 2,
TO 1993 ASSEMBLY BILL 698

October 26, 1993 - Offered by Representatives PORTER and L. YOUNG.

1 At the locations indicated, amend the bill as follows:

2 1. Page 3, line 8: after that line insert:

3 "1m. That competent evidence establishes that the license number of
4 the vehicle involved in the violation was issued for a different vehicle
5 or that the license plate involved was stolen before the violation
6 occurred."

7

(End)

ASSEMBLY AMENDMENT 3,
TO 1993 ASSEMBLY BILL 698

October 27, 1993 - Offered by Representatives WOOD, L. YOUNG and RUTKOWSKI.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 5: before "liable" insert "presumed".

3 2. Page 2, line 6: delete "or under s. 346.67".

4 3. Page 3, line 1: delete the material beginning with "(a)" and
5 ending with "(b)" on line 4.

6 4. Page 3, line 6: substitute "(a)" for "1.".

7 5. Page 3, line 9: substitute "(b)" for "2.".

8 6. Page 3, line 16: substitute "(c)" for "3.".

9 7. Page 3, line 22: substitute "(d)" for "4.".

10

(End)

ASSEMBLY AMENDMENT 5,
TO 1993 ASSEMBLY BILL 698

October 26, 1993 - Offered by Representatives R. YOUNG and RUTKOWSKI.

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 5: before "liable" insert "presumed".

3 2. Page 2, line 6: delete "or under s. 346.67".

4 3. Page 3, line 1: delete the material beginning with "(a)" and
5 ending with the colon on line 5, and substitute: "Defenses to the
6 imposition of liability under this section include:".

7 4. Page 3, line 6: substitute "(a)" for "1.".

8 5. Page 3, line 9: substitute "(b)" for "2.".

9 6. Page 3, line 16: substitute "(c)" for "3.".

10 7. Page 3, line 22: substitute "(d)" for "4.".

11 (End)

ENGROSSED 1993 ASSEMBLY BILL 698

November 10, 1993 - Printed by direction of SENATE CHIEF CLERK.

- 1 AN ACT to create 346.675 of the statutes, relating to imposing liability
- 2 upon the owner of a vehicle leaving the scene of certain motor vehicle
- 3 accidents and providing a penalty.

Analysis by the Legislative Reference BureauEngrossing Procedure:

The text of Engrossed 1993 Assembly Bill 698 consists of the bill, as adopted in the assembly on October 27, 1993, as affected by the following Assembly Amendments: Assembly Amendments 1, 2, 4 and 5. The text also includes the November 19, 1993, chief clerk's correction to Assembly Amendment 2.

Content of Engrossed 1993 Assembly Bill 698:

Under current law, the operator of a vehicle involved in an accident resulting in injury to or death of a person or damage to an occupied vehicle is required to render assistance to any person injured in the accident and to provide his or her name and address, the vehicle's registration number and, upon request and if available, his or her operator's license to the person struck or to a person occupying or attending any vehicle collided with. If the accident does not involve death or injury to a person, a vehicle operator who fails to comply with these duties (leaving the scene of an accident) is fined not less than \$300 nor more than \$1,000 or imprisoned for not more than 6 months or both. Increased penalties apply if the accident involves death or injury to a person.

This bill presumes liability upon a vehicle owner for the vehicle leaving the scene of the accident if, within 72 hours after observing the violation or having probable cause with respect to a vehicle operator leaving the scene of an accident, a traffic officer investigates the violation and prepares a traffic citation for the violation. Any traffic officer employed by the issuing authority may serve the citation upon the owner of the vehicle.

A forfeiture of not more than \$1,000 shall be imposed upon the owner of a vehicle leaving the scene of the accident. The vehicle owner's operating privilege may not be suspended or revoked, and no demerit points may be recorded against the owner's operating record.

The owner of the vehicle has a defense to the presumption of liability for a violation if the vehicle had been stolen at the time of the viola-

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1993 BILL

ENGROSSED 1993 ASSEMBLY BILL 698

November 10, 1993 - Printed by direction of SENATE CHIEF CLERK.

AN ACT *to create* 346.675 of the statutes, **relating to:** imposing liability upon the owner of a vehicle leaving the scene of certain motor vehicle accidents and providing a penalty.

Analysis by the Legislative Reference Bureau

Engrossing Procedure:

The text of Engrossed 1993 Assembly Bill 698 consists of the bill, as adopted in the assembly on October 27, 1993, as affected by the following Assembly Amendments: Assembly Amendments 1, 2, 4 and 5. The text also includes the November 19, 1993, chief clerk's correction to Assembly Amendment 2.

Content of Engrossed 1993 Assembly Bill 698:

Under current law, the operator of a vehicle involved in an accident resulting in injury to or death of a person or damage to an occupied vehicle is required to render assistance to any person injured in the accident and to provide his or her name and address, the vehicle's registration number, and, upon request and if available, his or her operator's license to the person struck or to a person occupying or attending any vehicle collided with. If the accident does not involve death or injury to a person, a vehicle operator who fails to comply with these duties (leaving the scene of an accident) is fined not less than \$300 nor more than \$1,000 or imprisoned for not more than 6 months or both. Increased penalties apply if the accident involves death or injury to a person.

This bill presumes liability upon a vehicle owner for the vehicle leaving the scene of the accident if, within 72 hours after observing the violation or having probable cause with respect to a vehicle operator leaving the scene of an accident, a

less than
\$300
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traffic officer investigates the violation and prepares a traffic citation for the violation. Any traffic officer employed by the issuing authority may serve the citation upon the owner of the vehicle.

A forfeiture of not more than \$1,000 shall be imposed upon the owner of a vehicle leaving the scene of the accident. The vehicle owner's operating privilege may not be suspended or revoked, and no demerit points may be recorded against the owner's operating record.

The owner of the vehicle has a defense to the presumption of liability for a violation if the vehicle had been stolen at the time of the violation or if the owner provides the traffic officer with the name and address of the person who was operating the vehicle or who had the vehicle under his or her control at the time of the violation and that person admits operating the vehicle or having the vehicle under his or her control. Lessors and dealers of vehicles have similar defenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 346.675 of the statutes is created to read:

346.675 Vehicle owner's liability for leaving the scene of an accident.

(1) The owner of a vehicle involved in a violation of s. 346.67[✓] for failing to stop at or near the scene of an accident and comply with the requirements of s. 346.67 (1) ✓
(a) to (c) shall be presumed liable for the violation as provided in this section.

(2) (a) Within 72 hours after observing the violation or having probable cause to believe that a violation has occurred, the traffic officer shall investigate the violation and may prepare a uniform traffic citation under s. 345.11[✓] for the violation and, within 96 hours after observing the violation or having probable cause to believe that a violation has occurred, any traffic officer employed by the authority issuing the citation may personally serve it upon the owner of the vehicle.

(b) If with reasonable diligence the owner cannot be served under par. (a), service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of the family at least 14 years of age, who shall be informed of the contents thereof. Service under this

1 paragraph may be made by any traffic officer employed by the authority issuing the
2 citation and shall be performed within 96 hours after the violation was observed.

3 (c) If with reasonable diligence the owner cannot be served under par. (a) or (b)
4 or if the owner lives outside of the jurisdiction of the issuing authority, service may
5 be made by certified mail addressed to the owner's last-known address. Service
6 under this paragraph shall be performed by posting the certified mail within 96
7 hours after the violation was observed.

8 (3) Defenses to the imposition of liability under this section include:

9 (a) That a report that the vehicle was stolen was given to a traffic officer before
10 the violation occurred or within a reasonable time after the violation occurred.

11 (ag) That competent evidence establishes that the license number of the vehicle
12 involved in the violation was issued for a different vehicle or that the license plate
13 involved was stolen before the violation occurred.

14 (b) If the owner of the vehicle provides a traffic officer employed by the
15 authority issuing the citation with the name and address of the person operating the
16 vehicle or having the vehicle under his or her control at the time of the violation and
17 the person so named admits operating the vehicle or having the vehicle under his or
18 her control at the time of the violation, then that person and not the owner shall be
19 liable under this section or under s. 346.67.

20 (c) If the vehicle is owned by a lessor of vehicles and at the time of the violation
21 the vehicle was in the possession of a lessee, and the lessor provides a traffic officer
22 employed by the authority issuing the citation with the information required under
23 s. 343.46 (3),[✓] then the lessee and not the lessor shall be liable under this section or
24 under s. 346.67.

1 (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11) (intro.) but
2 including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the
3 violation the vehicle was being operated by or was under the control of any person
4 on a trial run, and if the dealer provides a traffic officer employed by the authority
5 issuing the citation with the name, address, [✓]and operator's license number of the
6 person operating the vehicle, then that person, and not the dealer, shall be liable
7 under this section or under s. 346.67.

8 (4) Notwithstanding the penalty otherwise specified under s. 346.74 (5) [✓]for a
9 violation of s. 346.67:

10 (a) A vehicle owner or other person found liable under this section for a
11 violation of s. 346.67 shall be required to forfeit not more than \$1,000. *less than \$300*
nor

12 (b) Imposition of liability under this section shall not result in suspension or
13 revocation of a person's operating license under s. 343.30 or 343.31, nor shall it result
14 in demerit points being recorded on a person's driving record under s. 343.32 (2) (a).

15 (END)

tion or if the owner provides the traffic officer with the name and address of the person who was operating the vehicle or who had the vehicle under his or her control at the time of the violation and that person admits operating the vehicle or having the vehicle under his or her control. Lessors and dealers of vehicles have similar defenses.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 346.675 of the statutes is created to read:

2 346.675 VEHICLE OWNER'S LIABILITY FOR LEAVING THE SCENE OF AN
3 ACCIDENT. (1) The owner of a vehicle involved in a violation of s.
4 346.67 for failing to stop at or near the scene of an accident and comply
5 with the requirements of s. 346.67 (1) (a) to (c) shall be presumed liable
6 for the violation as provided in this section.

7 (2) (a) Within 72 hours after observing the violation or having
8 probable cause to believe that a violation has occurred, the traffic
9 officer shall investigate the violation and may prepare a uniform traffic
10 citation under s. 345.11 for the violation and, within 96 hours after
11 observing the violation or having probable cause to believe that a viola-
12 tion has occurred, any traffic officer employed by the authority issuing
13 the citation may personally serve it upon the owner of the vehicle.

14 (b) If with reasonable diligence the owner cannot be served under
15 par. (a), service may be made by leaving a copy of the citation at the
16 owner's usual place of abode within this state in the presence of a
17 competent member of the family at least 14 years of age, who shall be
18 informed of the contents thereof. Service under this paragraph may be
19 made by any traffic officer employed by the authority issuing the citation
20 and shall be performed within 96 hours after the violation was observed.

21 (c) If with reasonable diligence the owner cannot be served under
22 par. (a) or (b) or if the owner lives outside of the jurisdiction of the

1 issuing authority, service may be made by certified mail addressed to the
2 owner's last-known address. Service under this paragraph shall be per-
3 formed by posting the certified mail within 96 hours after the violation
4 was observed.

5 (3) Defenses to the imposition of liability under this section
6 include:

7 (a) That a report that the vehicle was stolen was given to a traffic
8 officer before the violation occurred or within a reasonable time after
9 the violation occurred.

10 (ag) That competent evidence establishes that the license number of
11 the vehicle involved in the violation was issued for a different vehicle
12 or that the license plate involved was stolen before the violation
13 occurred.

14 (b) If the owner of the vehicle provides a traffic officer employed
15 by the authority issuing the citation with the name and address of the
16 person operating the vehicle or having the vehicle under his or her con-
17 trol at the time of the violation and the person so named admits operating
18 the vehicle or having the vehicle under his or her control at the time of
19 the violation, then that person and not the owner shall be liable under
20 this section or under s. 346.67.

21 (c) If the vehicle is owned by a lessor of vehicles and at the time
22 of the violation the vehicle was in the possession of a lessee, and the
23 lessor provides a traffic officer employed by the authority issuing the
24 citation with the information required under s. 343.46 (3), then the
25 lessee and not the lessor shall be liable under this section or under s.
26 346.67.

27 (d) If the vehicle is owned by a dealer, as defined in s. 340.01 (11)
28 (intro.) but including the persons specified in s. 340.01 (11) (a) to (d),

1 and at the time of the violation the vehicle was being operated by or was
 2 under the control of any person on a trial run, and if the dealer provides
 3 a traffic officer employed by the authority issuing the citation with the
 4 name, address and operator's license number of the person operating the
 5 vehicle, then that person, and not the dealer, shall be liable under this
 6 section or under s. 346.67.

7 (4) Notwithstanding the penalty otherwise specified under s. 346.74

8 (5) for a violation of s. 346.67:

9 (a) A vehicle owner or other person found liable under this section
 10 for a violation of s. 346.67 shall be required to forfeit not more than
 11 \$1,000.

12 (b) Imposition of liability under this section shall not result in
 13 suspension or revocation of a person's operating license under s. 343.30
 14 or 343.31, nor shall it result in demerit points being recorded on a
 15 person's driving record under s. 343.32 (2) (a).

16 (End)

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